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6 **UNITED STATES DISTRICT COURT**
7 **WESTERN DISTRICT OF WASHINGTON**
8 **AT SEATTLE**

9 AFFILIATED FM INSURANCE
10 COMPANY,

11 Plaintiff,

12 v.

13 AXCELIS TECHNOLOGIES, INC, et al.,

14 Defendants.

15 CASE NO. 2:19-cv-01966-RAJ-BAT

16 **ORDER REGARDING INITIAL
17 DISCLOSURES, JOINT STATUS
18 REPORT, AND EARLY
19 SETTLEMENT**

20 **I. INITIAL SCHEDULING DATES**

21 The Court sets the following dates for initial disclosure and submission of the Joint Status
22 Report and Discovery Plan:

23 Deadline for FRCP 26(f) Conference: 2/7/2020

24 Initial Disclosures Pursuant to FRCP 26(a)(1): 2/21/2020

25 Combined Joint Status Report and Discovery
26 Plan as Required by FRCP 26(f)
27 and Local Civil Rule 26(f): 3/6/2020

28 The deadlines above may be extended only by the Court. Any request for an extension
29 should be made by e-mail to Andy Quach, Courtroom Deputy, at
30 andy_quach@wawd.uscourts.gov. The parties are directed to meet and confer before contacting
31 the court to request an extension.

1 If this case involves claims which are exempt from the requirements of FRCP 26(a) and
2 26(f), please notify Andy Quach, Courtroom Deputy, at andy_quach@wawd.uscourts.gov.

3 **II. JOINT STATUS REPORT & DISCOVERY PLAN**

4 All parties are directed to confer and provide the Court with a combined Joint Status
5 Report and Discovery Plan (the “Report”) by **March 6, 2020**. This conference shall be a face-to-
6 face meeting or a telephonic conference. The Court will use the Report to determine if a Fed. R.
7 Civ. P. 16 conference would be helpful and to set a schedule for the prompt completion of the
8 case. The report must contain the following information by corresponding paragraph numbers:

9 1. A statement of the nature and complexity of the case.

10 2. A proposed deadline for joining additional parties.

11 3. A discovery plan that states, by corresponding paragraph letters (A, B, etc.), the
12 parties’ proposals on all items set forth in Fed. R. Civ. P. 26(f)(3), including the following topics:

13 (A) initial disclosures;

14 (B) subjects, timing, and potential phasing of discovery;

15 (C) electronically stored information;

16 (D) privilege issues;

17 (E) proposed limitations on discovery; and

18 (F) the need for any discovery related orders.

19 4. The parties’ views, proposals, and agreements, by corresponding paragraph letters
20 (A, B, etc.), on all items set forth in Local Civil Rule 26(f)(1), which includes the following
21 topics:

22 (A) prompt case resolution;

23 (B) alternative dispute resolution;

- (C) related cases;
 - (D) discovery management;
 - (E) anticipated discovery sought;
 - (F) phasing motions;
 - (G) preservation of discoverable information;
 - (H) privilege issues;
 - (I) Model Protocol for Discovery of ESI; and
 - (J) alternatives to Model Protocol.

5. The date by which discovery can be completed.

6. Whether the case should be bifurcated by trying the liability issues before the
es issues or bifurcated in any other way.

7. Whether the pretrial statements and pretrial order called for by Local Civil Rules (h), (i), and (k), and 16.1 should be dispensed with in whole or in part for the sake of economy.

8. Whether the parties intend to utilize the Individualized Trial Program set forth in Local Civil Rule 39.2 or any ADR options set forth in Local Civil Rule 39.1.

9. Any other suggestions for shortening or simplifying the case.

10. The date the case will be ready for trial. The Court expects that most civil cases will be ready for trial within a year after filing the Joint Status Report and Discovery Plan.

11. Whether the trial will be jury or non-jury.

12. The number of trial days required.

13. The names, addresses, and telephone numbers of all trial counsel.

1 14. The dates on which trial counsel may have complications to be considered in
2 setting a trial date.

3 15. Whether any party wishes a scheduling conference before the Court enters a
4 scheduling order in the case.

5 16. List the date(s) that each and every nongovernmental corporate party filed its
6 disclosure statement pursuant to Fed. R. Civ. P. 7.1 and Local Civil Rule 7.1.

7 If the parties are unable to agree on any part of the Report, they may answer in separate
8 paragraphs. No separate reports are to be filed. If the parties wish to have a status conference
9 with the Court at any time during the pendency of this action, they should notify Andy Quach,
10 Courtroom Deputy, at andy_quach@wawd.uscourts.gov.

11 **III. PLAINTIFF'S RESPONSIBILITY**

12 Plaintiff's counsel is responsible for starting the communications with defendant's
13 counsel needed to comply with this Order.

14 **IV. JUDGE SPECIFIC PROCEDURAL INFORMATION**

15 All counsel and unrepresented parties should review Judge Tsuchida's web page for
16 procedural information applicable to cases before Judge Tsuchida. The judge's web pages, in
17 addition to the Local Rules, Electronic Filing Procedures for Civil and Criminal Cases, court
18 forms, instruction sheets, and General Orders, can be found on the Court's website at
19 wawd.uscourts.gov.

20 **V. EARLY SETTLEMENT CONSIDERATION AND NOTIFICATION**

21 If settlement is achieved, counsel shall immediately notify Andy Quach, Courtroom
22 Deputy, at andy_quach@wawd.uscourts.gov.

The parties are responsible for complying with the terms of this Order. The Court may impose sanctions on any party who fails to comply fully with this Order.

DATED this 9th day of January, 2020.

BD

BRIAN A. TSUCHIDA
Chief United States Magistrate Judge